



U.S. Department of Justice

United States Attorney for the Southern
District of New York

86 Chambers Street, Third Floor
New York, New York 10007

May 12, 2025

BY ECF

Hon. Margaret M. Garnett
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Northeast Organic Farming Assoc. of N.Y., et al. v. U.S. Dep't of Agriculture*,
No. 25 Civ. 1529 (MMG)

Dear Judge Garnett:

This Office represents the United States Department of Agriculture ("USDA," "Agency," or the "Government") in the above-referenced action brought by Northeast Organic Farming Association of New York, Natural Resources Defense Council, and Environmental Working Group (collectively, "Plaintiffs") under the Administrative Procedure Act ("APA") and the Freedom of Information Act ("FOIA").

The parties write respectfully to inform the Court that USDA will restore the climate-change-related web content that was removed post-Inauguration, including all USDA webpages and interactive tools enumerated in Plaintiffs' Complaint, *see* Compl. ¶¶ 29–34 (the "Removed Content"). The process of restoring the Removed Content is already underway, and the Agency expects to substantially complete the restoration process in approximately two weeks. Furthermore, USDA commits to complying with any applicable statutory requirements in connection with any future publication or posting decisions regarding the Removed Content, including, as applicable, the adequate-notice and equitable-access provisions of the Paperwork Reduction Act ("PRA"), 44 U.S.C. §§ 3506(d)(1), (3), and the reading room provisions of FOIA, 5 U.S.C. §§ 552(a)(2)(B)–(D), (E).

In light of USDA's commitment, the parties propose adjourning *sine die* the evidentiary hearing and oral argument on Plaintiffs' motion for a preliminary injunction, which is currently scheduled for May 21, 2025. Should the Court grant this request, the parties further propose submitting a joint status report 21 days thereafter, detailing USDA's progress towards restoring the Removed Content and setting forth the parties' respective positions about appropriate next steps in this litigation.

The parties thank the Court for its attention to this matter.

GRANTED. The evidentiary hearing and oral argument scheduled for May 21 is hereby ADJOURNED *sine die*. The parties shall submit a joint status report by **June 11, 2025**.

SO ORDERED. Dated May 13, 2025.



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: /s/ Mark Osmond
ILAN STEIN
MARK OSMOND
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
Tel.: (212) 637-2525/2713
E-mail: ilan.stein@usdoj.gov
mark.osmond@usdoj.gov